

REMARKS

Claims 1-6, 8, 10-14, 16 and 18 are pending in this application. By this Amendment, claim 1 is amended. Reconsideration of the application is respectfully requested.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

The Office Action rejects claims 1-6, 8, 10-14, 16 and 18 under 35 U.S.C. §112, first paragraph and under 35 U.S.C. §112, second paragraph. The rejections are respectfully traversed.

In particular, the subject matter of the claims is clearly disclosed in the specification at, for example, page 3, lines 25-30; page 7, lines 1-3, 15-18 and 23-26; and Fig. 1 under the heading "Additives." Accordingly, the subject matter of the claims is not new matter. As such, withdrawal of the rejection of the claims under 35 U.S.C. §112, first paragraph, is respectfully requested. Moreover, the Office Action states that the expressions "phosphoric acid compound" and "organophosphoric acid compound" are indefinite. Applicants respectfully disagree. For example, in the specification at page 7, lines 1-3 and lines 15-17, the specification clearly defines what a phosphoric acid compound and an organophosphoric acid compound may be. Also, the indication of what a phosphoric acid compound and an organophosphoric acid compound may be in the specification precludes other interpretations of these two expressions such as the one brought up in the Office Action at page 2,

lines 14-15. A phosphate ester is not a phosphoric acid compound or organophosphoric acid compound. A "derivative" is a prohibitively broad interpretation of the term phosphoric acid compound or organophosphoric acid compound, especially in light of the explanation of these two expressions in the specification. Finally, claim 1 clearly recites that the additive does contain either a phosphoric acid compound or an organophosphoric acid compound, but at least one of these two compounds must be present, as clearly recited in the claim.

Accordingly, a zero amount of both a phosphoric acid compound and organophosphoric acid compound does not meet the limitation of claim 1. For at least the reasons discussed above, withdrawal of the rejection of the claims under 35 U.S.C. §112, second paragraph, is respectfully requested.

The Office Action rejects claims 1-6, 8, 10, 11, 13, 14, 16 and 18 under 35 U.S.C. §102(b) over JP 62-045681 ("JP"); claims 1-6, 8, 10, 11, 13, 14 and 18 under 35 U.S.C. §102(b) over SU 899,635 ("SU"); and claims 1-6, 8, 10-14, 16 and 18 under 35 U.S.C. §102(b) over WO 98/40441 ("WO"). The rejections are respectfully traversed.

In particular, none of the applied references, either alone or in combination, disclose or suggest a coolant that includes a water-containing base material and a corrosion-preventive additive that includes at least one of a phosphoric acid compound at less than about 0.2%, and an organophosphoric acid compound at less than about 0.2%, as recited in independent claim 1.

JP teaches a composition for cooling an engine by latent heat of vaporization of the coolant. SU teaches a stable liquid that cools and lubricates aluminum or alloy in an efficient manner. WO teaches a water base ball-point ink with metallic sheen and filled directly into an ink reservoir for its use and includes 1 to 20% by weight of a metallic pigment, 0.1 to 1.0% by weight of a water-soluble polymeric agent, and water (Abstract).

Accordingly, none of the applied references disclose or suggest a phosphoric acid compound at less than about 0.2% or an organophosphoric acid compound at less than about 0.2%. Also, the recitation of claim 1 clearly indicates that the claimed additive does contain either one of a phosphoric acid compound or an organophosphoric acid compound, so that any coolant that contains neither of these two compounds does not meet the limitation of claim 1. The Office Action indicates that the phosphoric acid present in JP is at about 0.23%. Applicants respectfully disagree. A more precise calculation of the percentage of phosphoric acid in the coolant in JP indicates a concentration of 0.25%, which is a result of the dilution of the coolant from 95% ethylene glycol to 30% ethylene glycol, or a reduction by a factor of 3.16. Consequently, the reduction of phosphoric acid by a factor of 3.16 from a concentration of 0.8% results in a concentration of 0.25%, which is not less than about 0.2%, as claimed in independent claim 1. Accordingly, JP fails to disclose each and every feature of independent claim 1.

The Office Action acknowledges that both SU and WO do not disclose either a phosphoric acid compound or an organophosphoric acid compound (Office Action, page 4, lines 3-4 and 11-15). Accordingly, and as discussed above, claim 1 clearly recites that the additive contains at least a phosphoric acid compound or an organophosphoric acid compound. As such, the absence of either one of these two compounds does not meet the limitation of independent claim 1. Accordingly, neither SU nor WO, alone or in combination, disclose or suggest each and every feature of independent claim 1.

Because none of the applied references disclose or suggest each and every feature of independent claim 1, independent claim 1 and its dependent claims are patentable over the applied references. As such, withdrawal of the rejections of the claims under 35 U.S.C. §102(b) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-6, 8, 10-14, 16 and 18 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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